

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

KATHLEEN E. POPE, et al.,

Plaintiffs,

v.

SPOKANE SCHOOL DISTRICT NO. 81,
et al.,

Defendants.

Case No. C21-1079-JCC-SKV

ORDER RE: MOTION FOR
EXTENSION

Plaintiffs filed a motion requesting an extension of Bellevue School District's (BSD) pending Motion for Summary Judgment. Dkt. 119 (addressing Dkt. 76). BSD submitted a response. Dkt. 121. The Court, having now considered the motion for an extension, BSD's response, and the remainder of the record, herein finds and ORDERS as follows:

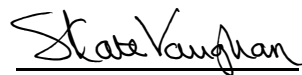
(1) BSD's motion for summary judgment on the merits of Plaintiffs' state law claims not related to the Individuals with Disabilities Education Act (IDEA) is currently noted for consideration on January 13, 2023. *See* Dkts. 76 & 118. Plaintiffs seek an at least three-month extension of that noting date in order to secure a guardian ad litem for Plaintiff Kathleen Pope, to seek out independent legal representation for both Plaintiffs, and to allow more time for discovery. BSD does not oppose the requested extension. BSD does, however, state that whether the Court grants an extension of the noting date and whether Ms. Pope obtains a

guardian ad litem and/or separate counsel should have no bearing on the binding nature of the Court's Order dismissing Plaintiffs' federal and state law IDEA-related claims against BSD for the failure to exhaust administrative remedies. *See* Dkt. 117.

Plaintiffs' unopposed and reasonable request for an extension of time, Dkt. 119, is GRANTED. BSD's pending Motion for Summary Judgment on the merits of Plaintiffs' state law claims not related to the IDEA, Dkt. 76, is RENOTED for consideration on **April 14, 2023**. To the extent supplemental briefing is deemed necessary, *see* Dkt. 95 at 2, Plaintiffs may file a supplemental response to the motion on or before **April 10, 2023**, and BSD may file a supplemental reply on or before the noting date. The supplemental briefs may not exceed **ten (10) pages** in length. The Court clarifies that this extension pertains only to Plaintiffs' remaining claims against BSD and that the Court will not revisit arguments addressing IDEA-related claims already dismissed by the Court.

(2) The Clerk is directed to send copies of this Order to the parties and to the Honorable John C. Coughenour.

Dated this 9th day of January, 2023.



S. KATE VAUGHAN
United States Magistrate Judge